IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.945 of 2006
In
Criminal Appeal No.439 of 2006

Rahul Damu Salve & anr. Applicants
Vs.
State of Maharashtra Respondent

Mr.A.G.Toraskar, Appointed for applicants.
Mrs.U.V.Kejriwa, APP for State.

CORAM: B.H.MARLAPALLE & R.S. MOHITE, JJ.

March 13, 2007.

P.C.

. We have heard Mr.Toraskar, the learned Advocate appointed in support of this bail application filed in Criminal Appeal No.439 of 2006. The said appeal has been filed by the five accused convicts but the bail application is presented only accused nos. 3 and 4. We have perused the post-mortem report as well as the oral depositions of PW 1 Radhu from the R & P that is already received. Radhu himself is an injured witness. AS per the trial Court the weapons viz. sword, axes and wooden logs recovered at the instance of the accused were found to be stained with blood of the group of the deceased and same was the case with respect to the clothes of the accused which were seized when they

were arrested and sent for chemical analysis. The prosecution case is based on the testimony of two eye witnesses. The medical evidence of Dr. Chandekar specifically stated that the death of Popat was the cumulative effect of all the injuries sustained by him and most of them were sharp cutting weapons' injuries.

. We are, therefore, satisfied that there is no case made out for the release of the applicants on bail by suspending the order of sentence under Section 389 of Cr.P.C.

. The application is, therefore, rejected. Hearing of the appeal is expedited.

(R.S.MOHITE,J.) (B.H.MARLAPALLE,J.)